HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.26572 of 2001

Dated: 11th day of July, 2007

Between:

Miss Donda Lova Kumari ..
Petitioner

And

The Secretary,
Board of Intermediate Examinations,
Nampally, Hyderabad
and two others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 3rd respondent in cancelling the petitioner's admission into 1st year Intermediate Bi.P.C. (Telugu Medium) by his letter dated 10.8.2001, as arbitrary and illegal.

The petitioner asserts that she passed Secondary School Examination in National Open School, New Delhi in April, 2001. Later, she came to Vizianagaram in Andhra Pradesh. Based on her pass certificate, the National Open School, issued Migration-cum-Transfer Certificate and she was given admission into 1st year Intermediate Bi.P.C. (Telugu Medium) in the 3rd respondent-college. Now, her grievance is that the 3rd respondent issued a letter dated 10.8.2001 cancelling her admission on the ground that she failed in Mathematics in Secondary School Examination in terms of Proceedings dated 18.9.2000 issued by the 2nd respondent and did not permit her to write 1st year Intermediate Examinations which commenced from 14.3.2002

In spite of the fact the notices are served on the respondents, they have not chosen to file counter affidavit.

It is not known whether the pass certificate in Secondary School Examination issued by the National Open School, New Delhi, can be construed as a valid certificate or not as per the existing rules in

Andhra Pradesh. Of course, in the order impugned in this writ petition, it is stated that though the petitioner passed Secondary School Examination (National Open School), the marks i.e. 14 secured by her in Mathematics are not equivalent to the minimum qualifying marks of the same subject fixed by the Government of Andhra Pradesh. If really she secured those marks in the State of Andhra Pradesh, normally she would not have been given admission into any of the colleges either private or Government. After all, the letter impugned in this writ petition was issued by the Principal, L.D.C. Junior College, Dharmapuri, Vizianagaram, but none of the respondents have chosen to file counter affidavit to establish that the pass certificate issued by the National Open School, New Delhi cannot be treated as a valid certificate to get admission into 1st year Intermediate course in the 3rd respondent-college. When once the 3rd respondent-college, for the best reasons known to it, admitted the petitioner into 1st year Intermediate and permitted her to complete the course, it ought not to have cancelled her admission. Further, this Court, while ordering Rule Nisi, directed the respondents to permit the petitioner to appear for the 1st year Intermediate examinations.

Now, it is the contention of the learned counsel for the petitioner that in pursuance of the interim direction, the petitioner appeared for Intermediate examinations, and thereafter, pursued her further studies also.

In the light of the above, this Court is not inclined to give effect to the impugned order dated 10.8.2001.

In the result, the writ petition is allowed quashing the impugned order dated 10.8.2001. No costs.

11.07.2007

bcj